

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 14077, of Scripps-Howard Newspaper, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all-day commuter parking (Sub-paragraph 4101.413) in an HR/SP-2 District at the premises 1213 L Street, N.W., (Square 283, Lot 825) and 1217 L Street, N.W., (Square 283, Lots 806, 807 and 824).

HEARING DATES: December 14 and December 21, 1983  
DECISION DATE: December 21, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The application appeared on the preliminary agenda of the public hearing of December 14, 1983. Counsel for the applicant requested the Board to waive the requirement in Section 304.1 of the Supplementary Rules of Practice and Procedure before the BZA that a representative of the applicant be present at the public hearing to testify. The only representative of the applicant was out of town on a business commitment. The representative had executed an affidavit representing the facts to which he would have testified had he been present at the public hearing. The Board denied the motion to accept the affidavit in lieu of live testimony. The Board determined to go forward on the merits of the application and set a further date to hear the testimony of the representative. The further hearing was held on December 21, 1983.

2. The subject lot 48 (formerly lot 825) is located at the northwest corner of the intersection of L and 12th Streets, N.W. and is known as 1213 L Street, N.W. The subject lots 806, 807, and 824 are located on the north side of L Street between 12th and 13th Streets, N.W. and are known as 1217 L Street, N.W. Both sites are in an HR/SP-2 District.

3. A row structure known as 1215 L Street separates the two subject sites. The subject parking lots are surrounded by apartment houses, flats, rooming houses, a school and an office building.

4. The BZA granted permission for the use of 1213 L Street and 1217 L Street as parking lots in BZA Order No. 11286, dated June 12, 1973. Both were originally granted

for five year periods. Most recently, approval to continue the lots was granted until September 11, 1983, by BZA Order No. 13604, dated April 12, 1982.

5. In Zoning Commission Order No. 394, the Zoning Commission amended Paragraph 4101.41 and extended the length of time for parking lots to continue in the SP zone from four to six years from the expiration date of the certificate of occupancy which was in effect on October 5, 1978.

6. On October 5, 1978, when the SP Regulations were first amended, the properties were operated under Certificates of Occupancy No. B-111714 and B-111715, both of which expired on September 11, 1979.

7. The applicant leases both parking lots to Atlantic Garage, Inc., which sub-leases the properties to the U.S. Catholic Conference which is located at 1312 Massachusetts Avenue, N.W. The U.S. Catholic Conference uses the lot exclusively for its employees. The Conference has used the site for over ten years.

8. The lot at 1213 L Street has a capacity for twenty-seven parking spaces. The lot at 1217 L Street has a capacity for nineteen parking spaces. There is no attendant present at these lots. The entrances to both lots are chained off and admission is through a key to the lock on the chain fence. The employees of the U.S. Catholic Conference park all day on the lots. The lots are open from 8:30 A.M. to 5:30 P.M. The lots are chained off when not in use.

9. The sub-lessee is responsible for the maintenance and the cleaning of the site. The lots are cleaned three times a week and any other time as needed. All complaints concerning the lots' operation are directed to the sub-lessee. The sub-lessee testified that it had received no complaints and that the noise generated by forty-six automobiles would be negligible as compared to the noise generated by existing traffic on surrounding streets.

10. The applicant and sub-lessee testified that they have complied with all of the conditions of the Board's prior Orders and that the lots are in compliance with Article 74 of the Zoning Regulations. The Board so finds.

11. At the further hearing of December 21, 1983, the representative of the applicant testified that it has had about twelve interested purchasers in the site since the last time the applicant appeared before the Board. None have been able to obtain financing. At the present time, there appears to be a possibility of assembling other parcels with the subject parcels. There has not been a firm written offer since the last public hearing time. The site is listed with a number of brokers. It is an open listing.

The witness was of the opinion that the state of the economy and the condition of the financial market are not conducive for purchasing properties.

12. The applicant and the lessee testified that the area surrounding the subject site contains very few retail uses and does not generate enough need for short-term parking to make operation of these lots economically feasible on that basis alone. The Board so finds.

13. The Board finds that the subject site, as an interim use, has no reasonable use other than as a parking lot.

14. The subject neighborhood has not basically changed since the issuance of the Board's last order. The Board finds that the continued use of the parking lot will not affect adversely the character and future development of the neighborhood.

15. There was no opposition to the application.

16. Advisory Neighborhood Commission 2C filed no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the special exception as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

As to the use variance, the variance to permit all-day commuter parking, this requires a showing of a hardship upon the owner of the property that arises from the property itself which precludes the owner from putting the property to a reasonable use for which it is zoned. The Board is not unaware of the existing marketing conditions. The Board is impressed that the property is actively being marketed apparently for uses permitted as a matter-of-right or by special exception for HR/SP-2 uses. The Board further notes that there are not enough facilities in the area to generate enough demand for short-term parking. All those factors constitute a hardship upon the owner of the property.

The Board concludes that with the limitation conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of

the zone plan. Accordingly, it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period terminating on September 11, 1985.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Lindsley Williams, Carrie L. Thornhill, William F. McIntosh and Douglas J. Patton to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

JUN 14 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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